

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

In the outstanding Official Action, claim 3 was objected to for reciting the term "TPO-type". As suggested by the Examiner, this term has been amended to recite "TPE-type". The Examiner's suggestion as how to overcome this objection is greatly appreciated.

Claims 1-4, 9, and 19 were rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of SIMON et al. This rejection is respectfully traversed.

In imposing the rejection, the outstanding Official Action contends that LESCA et al. teach a nonwoven fabric having a polyolefin film over it. However, the Examiner acknowledges that the LESCA et al. publication does not teach a printed pattern on a coating. In an effort to remedy the deficiencies of the LESCA et al. publication, the outstanding Official Action cites to SIMON et al. as teaching printed patterns on a coating of polyolefin over a nonwoven polyester knit.

However, applicant respectfully submits that the proposed combination of LESCA et al. in view of SIMON et al. fails to disclose or suggest the claimed invention. In

particular, applicant notes that the SIMON et al. publication refers to a crosslinkable hot-melt adhesive coating. This crosslinkable hot-melt adhesive coating is used to produce bondable interlinings in clothing.

In particular, the publication teaches the processing of a mixture of a copolyamide having terminal amine groups in a trimerized diisocyanate passivated with atactic polyolefin by rotary screen printing. The publication discloses the printing of a powder mixture onto a polyester knit. Thus, the publication discloses the printing of a pattern of a mixture comprising polyolefin, but not a polyolefin.

Moreover, the composition taught by SIMON et al. does not comprise an elastomer EPDM type. The printed pattern (dots) adheres onto a textile support. As this feature is excluded from the claimed invention, applicant believes that the proposed combination fails to disclose or suggest the claimed invention.

Applicant also traverses the contention that the LESCA et al. publication discloses a composition which would inherently have a Shore hardness value of 30 to 50. The Examiner is respectfully reminded that an allegation that an article may inherently have the characteristics of the claimed product is not sufficient. *Ex parte Skinner*, 2 USPQ2d 1788 (BPAI 1986). Indeed, inherency must be a necessary result,

and not just a possible result. *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Indeed, in imposing the rejection, applicant believes that the outstanding Official Action fails to provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of LESCA et al.

While the Official Action contends that the properties inherently are present since the same materials are used, applicant notes that LESCA et al. fail to teach and every recitation of the claimed invention. The Official Action fails to provide any evidence that demonstrates the proposed combination of references would positively result in a material having a Shore hardness value of 30 to 50.

In view of the above, applicant believes that the proposed combination of LESCA et al. in view of SIMON et al. fails to render obvious the claimed invention.

Claims 5 and 6 were rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of SIMON et al. and further in view of ELLUL et al. This rejection is respectfully traversed.

Applicant believes that the ELLUL et al. publication fails to remedy the deficiencies of LESCA et al. and SIMON et al. Moreover, while the ELLUL et al. publication teaches the use of EPDM polymers made by metallocene catalysts for use in

and not just a possible result. *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Indeed, in imposing the rejection, applicant believes that the outstanding Official Action fails to provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of LESCA et al.

While the Official Action contends that the properties inherently are present since the same materials are used, applicant notes that LESCA et al. fail to teach each and every recitation of the claimed invention. The Official Action fails to provide any evidence that demonstrates the proposed combination of references would positively result in a material having a Shore hardness value of 30 to 50.

In view of the above, applicant believes that the proposed combination of LESCA et al. in view of SIMON et al. fails to render obvious the claimed invention.

Claims 5 and 6 were rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of SIMON et al. and further in view of ELLUL et al. This rejection is respectfully traversed.

Applicant believes that the ELLUL et al. publication fails to remedy the deficiencies of LESCA et al. and SIMON et al. Moreover, while the ELLUL et al. publication teaches the use of EPDM polymers made by metallocene catalysts for use in

dynamically vulcanized alloys, the publication does not disclose a composition further comprising an EPDM-type elastomer with a very low density polyethylene as set forth in the claimed invention.

Thus, it is believed that the proposed combination fails to render obvious claims 5 and 6.

Claims 7 and 8 were rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of SIMON et al. and further in view of KANKI et al. This rejection is respectfully traversed.

KANKI et al. teach a decorative material where a primer layer may be provided to improve adhesion between layers. However, KANKI et al. fail to remedy the deficiencies of LESCA et al. and SIMON et al. As a result, it is believed that the combination of LESCA et al. in view of SIMON et al. and further in view of KANKI et al. fails to render obvious claims 7 and 8.

Claim 10 was rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of SIMON et al. and further in view of HOEY. This rejection is respectfully traversed.

In imposing the rejection, the outstanding Official Action cites HOEY as disclosing a decorative laminate having a foam latex under a textile fabric and a printed film on top (see Official Action, page 5). However, HOEY fails to

disclose or suggest a coated textile having printed patterns, characterized in that it comprises a textile underlayer forming a backing combined with a coating layer formed from a film based on a polyolefin component and on an EPDM-type elastomer wherein the coating layer has printed patterns on its surface which is not bonded to the textile underlayer.

As a result, applicant believes that the proposed combination of LESCA et al. in view of SIMON et al. and further in view of HOEY fails to render obvious claim 10.

Claim 20 was rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of SIMON et al. in view of OSHIMA et al. This rejection is respectfully traversed.

Applicant believes that OSHIMA et al. fail to remedy the deficiencies of LESCA et al. and SIMON et al. The OSHIMA et al. publication is limited to a decorative sheet S3 that may be applied to a tablecloth. However, the OSHIMA et al. reference does not teach an elastomer EPDM as set forth in the claimed invention. Moreover, the OSHIMA et al. reference is directed to a coating layer bonded to a textile underlayer. As a result, it is believed that the proposed combination of LESCA et al. in view of SIMON et al. and further in view of OSHIMA et al. fails to disclose or suggest claim 10.

In the outstanding Official Action, claim 21 was rejected under 35 USC §103(a) as allegedly being unpatentable

over LESCA et al. in view of SIMON et al. and further in view of RYGIEL. This rejection is respectfully traversed.

In imposing the rejection, the outstanding Official action concedes that LESCA et al. do not teach the fabric including printed wall textiles. The outstanding Official Action cites to RYGIEL as teaching three-dimensional panels having printed patterns. However, the RYGIEL publication fails to remedy the deficiencies of LESCA et al. in view of SIMON et al.

Thus, it is believed that the proposed combination does not render obvious claim 21.

Thus, in view of the present amendment and the foregoing remarks, it is believed that this application is in condition for allowance, with claims 1-10 and 19-21, as presented. Such action is accordingly respectfully requested on that basis.

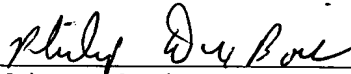
The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any

Application No. 09/758,207
Amdt. dated January 16, 2004
Reply to Office Action of September 16, 2003
Docket No. 0512-1115

additional fees required under 37 C.F.R. § 1.16 or under 37
C.F.R. § 1.17.

Respectfully submitted,

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